

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-614 (SLR)
)	
ACAMBIS INC. and)	
ACAMBIS PLC,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE
AMENDED ANSWER AND COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 15, defendants Acambis Inc. and Acambis plc hereby move for leave to file their Amended Answer and Counterclaims against plaintiff Bavarian A/S. The grounds for this motion are set forth in the Opening Brief In Support Of Motion For Leave To File Defendants' Amended Answer And Counterclaims.

Pursuant to D. Del. L.R. 15.1, attached as Exhibit 1 are two copies of Acambis' proposed amended pleading, and attached as Exhibit 2 is a copy indicating the respects in which the amended pleading differs from the original pleading.

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/s/ James W. Parrett, Jr. (#4292)

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*Attorneys for Defendants
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Dated: May 22, 2006

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RULE 7.1.1. CERTIFICATION

Counsel for Acambis has sought Bavarian Nordic's agreement that defendants Acambis Inc. and Acambis plc may file their Amended Answer and Counterclaims today, which is the date set in the scheduling order for the amendment of pleadings. Counsel for Bavarian Nordic have not consented to the filing, in that they have said they will decide whether to oppose after reviewing the papers in full.

Dated: May 22, 2006

/s/ James W. Parrett, Jr. (#4292)

James W. Parrett, Jr. (#4292)

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2006, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

John W. Shaw, Esquire
YOUNG CONAWAY STARGATT & TAYLOR LLP
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on May 22, 2006 upon the following individuals in the manner indicated:

BY HAND

John W. Shaw, Esquire
YOUNG CONAWAY STARGATT & TAYLOR LLP
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BY FEDERAL EXPRESS (5/23/06)

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/s/ James W. Parrett, Jr. (# 4292)
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